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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Afghanistan, Argentina, Australia, Austria, Cameroon, Canada, Chile, Costa Rica, Cyprus, Czech Republic, Denmark, Finland, Germany, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Malta, Monaco, Netherlands, New Zealand, Norway, Poland, South Africa, Spain: draft resolution

Human rights and mass exoduses

The General Assembly,

Deeply disturbed by the scale and magnitude of exoduses and displacements of people in many regions of the world and by the human suffering of refugees and displaced persons, a high proportion of whom are women and children,

Recalling its previous relevant resolutions, as well as those of the Commission on Human Rights, in particular Commission resolution 1998/49 of 17 April 1998,[1] and the conclusions of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993,[2] which recognized that gross violations of human rights, persecution, political and ethnic conflicts, famine and economic insecurity, poverty and generalized violence are among the root causes leading to mass exodus and displacements of people, and also recalling the second open debate that took place in the Security Council on the protection of civilians in armed conflict on 16 and 17 September 1999,

Recalling with satisfaction its endorsement, in its resolution 41/70 of 3 December 1986, of the call upon all States to promote human rights and fundamental freedoms and to refrain from denying these to individuals in their population because of nationality, ethnicity, race, gender, age, religion or language,

[1] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), chap. II, sect. A.

[2] A/CONF.157/24 (Part I), chap. III.

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Recalling all relevant human rights standards, including the Universal Declaration of Human Rights,[3] the principles of international protection for refugees and the general conclusions of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on international protection and the fact that asylum applicants should have access to fair and expeditious status-determination procedures,

Stressing the importance of adherence to international humanitarian, human rights and refugee law in order to avert mass exoduses and to protect refugees and internally displaced persons, and expressing its deep concern at the lack of respect for these laws and principles, especially during armed conflict, including the denial of safe and unimpeded access to the displaced,

Noting, in this regard, the entry into force of the Convention on the Safety of United Nations and Associated Personnel of 9 December 1994,[4] urging States to consider ratifying or acceding to the Convention, and condemning attacks and the use of force against United Nations and associated personnel, as well as personnel of international humanitarian organizations,

Reaffirming the primary responsibility of States to ensure the protection of refugees and internally displaced persons,

Recognizing the contribution of the establishment of the International Criminal Court to ending impunity for perpetrators of certain crimes, as defined in the Statute of the Court, which lead to, or result from, mass exoduses,

Noting with satisfaction the efforts by the United Nations system to develop a comprehensive approach to address root causes and effects of movements of refugees and other displaced persons and the strengthening of emergency preparedness and response mechanisms,

Recognizing that the human rights machinery of the United Nations, including the mechanisms of the Commission on Human Rights and the human rights treaty bodies, has important capabilities to address human rights violations that cause movements of refugees and displaced persons or prevent durable solutions to their plight,

Recognizing the complementarity between the systems for the protection of human rights and for humanitarian action, in particular the mandates of the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees, as well as the work of the representative of the Secretary-General on internally displaced persons and the Special Representative of the Secretary-General for Children and Armed Conflict, and that cooperation between them, in accordance with their respective mandates, as well as coordination between the human rights, political and security components of United Nations operations, make important contributions to the promotion and protection of human rights of persons forced into mass exodus and displacement,

1. *Takes note* of the report of the Secretary-General on human rights and mass exoduses;[5]

2. *Strongly deplores* ethnic and other forms of intolerance as one of the major causes of forced migratory movements, and urges States to take all necessary steps to ensure respect for human rights, especially the rights of persons belonging to minorities;

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[3] Resolution 217 A (III).

[4] Resolution 49/59, annex.

[5] A/54/360.

3. *Reaffirms* the need for all Governments, intergovernmental bodies and concerned international organizations to intensify their cooperation and assistance in worldwide efforts to address human rights situations that lead to, as well as the serious problems that result from, mass exoduses of refugees and displaced persons;

4. *Emphasizes* the responsibility of all States and international organizations to cooperate with those countries, particularly developing ones, affected by mass exoduses of refugees and displaced persons, and calls on Governments, the United Nations High Commissioner for Human Rights, the United Nations High Commissioner for Refugees and other relevant parts of the United Nations system, to continue to respond to assistance needs of countries hosting large numbers of refugees until durable solutions are found;

5. *Urges* the Secretary-General to give high priority and to allocate the necessary resources within the regular budget of the United Nations for the consolidation and strengthening of emergency preparedness and response mechanisms, including early warning activities in the humanitarian area, for the purpose of ensuring, *inter alia*, that effective action is taken to identify all human rights abuses which contribute to mass exoduses of persons;

6. *Invites* the special rapporteurs, special representatives and working groups of the Commission on Human Rights and the United Nations human rights treaty bodies, acting within their mandates, to seek information, where appropriate, on human rights problems which may result in mass exoduses of populations or impede their voluntary return home and, where appropriate, to include such information, together with recommendations thereon, in their reports and to bring such information to the attention of the United Nations High Commissioner for Human Rights for appropriate action in fulfilment of her mandate, in consultation with the United Nations High Commissioner for Refugees;

7. *Requests* all United Nations bodies, acting within their mandates, the specialized agencies and governmental, intergovernmental and non-governmental organizations to cooperate fully with all mechanisms of the Commission on Human Rights and, in particular, to provide them with all relevant information in their possession on the human rights situations creating or affecting refugees and displaced persons;

8. *Requests* the United Nations High Commissioner for Human Rights, in the exercise of her mandate, as set out in General Assembly resolution 48/141 of 20 December 1993, to coordinate human rights activities throughout the United Nations system and, in cooperation with the United Nations High Commissioner for Refugees, to pay particular attention to situations which cause or threaten to cause mass exoduses or displacements and to contribute to efforts to address such situations effectively through promotion and protection measures, emergency preparedness and response mechanisms, early-warning and information sharing, technical advice, expertise and cooperation in countries of origin as well as host countries;

9. *Welcomes* the efforts of the United Nations High Commissioner for Human Rights to contribute to the creation of an environment viable for return in post-conflict societies through initiatives such as the rehabilitation of the justice system, the creation of national institutions capable of defending human rights and broad-based programmes of human rights education and strengthening of local non-governmental organizations through field presences and programmes of advisory services and technical cooperation;

10. *Welcomes with appreciation* the ongoing contributions of the United Nations High Commissioner for Refugees to the deliberations by the Commission on Human Rights and to other international human rights bodies and mechanisms, and also welcomes the

invitation by the Commission on Human Rights for her to address the Commission at each of its future sessions;

11. *Encourages* States that have not already done so to consider acceding to the 1951 Convention[6] and the 1967 Protocol[7] relating to the Status of Refugees and to other relevant regional refugee instruments, as applicable, and relevant international human rights and humanitarian law instruments and to take appropriate measures to disseminate and implement these instruments domestically to encourage compliance with provisions against arbitrary and forcible displacement and greater respect for the rights of those who flee;

12. *Notes with appreciation* that a number of States not parties to the 1951 Convention and its 1967 Protocol continue to maintain a generous approach to asylum;

13. *Encourages* States parties to the 1951 Convention to provide information to the Office of the United Nations High Commissioner for Refugees, in accordance with article 35 of the Convention;

14. *Calls upon* States to ensure effective protection of, and assistance to, refugees and internally displaced persons through, *inter alia*, respecting the principle of non-refoulement, ensuring full, safe and unhindered access by humanitarian workers to displaced populations and by ensuring the security of, and civilian and humanitarian nature of, camps and settlements for refugee and internally displaced persons;

15. *Requests* the Secretary-General to prepare and submit to the General Assembly at its fifty-sixth session a report on the implementation of the present resolution as it pertains to all aspects of human rights and mass exoduses, including detailed information on the programmatic, institutional, administrative, financial and management efforts instituted to enhance the capacity of the United Nations to avert new flows of refugees and other displaced persons, to tackle the root causes of such flows, to protect those who have become displaced during mass exoduses and to facilitate their return and reintegration;

16. *Decides* to continue its consideration of this question at its fifty-sixth session.

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[6] United Nations, *Treaty Series*, vol. 189, No. 2545.

[7] Ibid., vol. 606, No. 8791.